

ASSEMBLY BILL

No. 696

Introduced by Assembly Member Maddox

February 19, 2003

An act to amend Section 830.5 of the Penal Code, relating to probation officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 696, as introduced, Maddox. Probation officers: training.

Existing law specifies the authority and duties of probation officers. Existing law provides that probation officers may carry firearms if authorized and under those terms and conditions specified by their employing agency.

This bill would require additional specified training for probation officers in connection with carrying firearms.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 830.5 of the Penal Code is amended to
2 read:
3 830.5. The following persons are peace officers whose
4 authority extends to any place in the state while engaged in the
5 performance of the duties of their respective employment and for
6 the purpose of carrying out the primary function of their
7 employment or as required under Sections 8597, 8598, and 8617
8 of the Government Code. Except as specified in this section, these

1 peace officers may carry firearms only if authorized and under
2 those terms and conditions specified by their employing agency:

3 (a) A parole officer of the Department of Corrections or the
4 Department of the Youth Authority, probation officer, deputy
5 probation officer, or a board coordinating parole agent employed
6 by the Youthful Offender Parole Board. Except as otherwise
7 provided in this subdivision, the authority of these parole or
8 probation officers shall extend only as follows:

9 (1) To conditions of parole or of probation by any person in this
10 state on parole or probation.

11 (2) To the escape of any inmate or ward from a state or local
12 institution.

13 (3) To the transportation of persons on parole or probation.

14 (4) To violations of any penal provisions of law which are
15 discovered while performing the usual or authorized duties of his
16 or her employment.

17 (5) To the rendering of mutual aid to any other law enforcement
18 agency.

19 For the purposes of this subdivision, “parole agent” shall have
20 the same meaning as parole officer of the Department of
21 Corrections or of the Department of the Youth Authority.

22 Any parole officer of the Department of Corrections, the
23 Department of the Youth Authority, or the Youthful Offender
24 Parole Board is authorized to carry firearms, but only as
25 determined by the director on a case-by-case or unit-by-unit basis
26 and only under those terms and conditions specified by the director
27 or chairperson. The Department of the Youth Authority shall
28 develop a policy for arming peace officers of the Department of the
29 Youth Authority who comprise “high-risk transportation details”
30 or “high-risk escape details” no later than June 30, 1995. This
31 policy shall be implemented no later than December 31, 1995.

32 The Department of the Youth Authority shall train and arm
33 those peace officers who comprise tactical teams at each facility
34 for use during “high-risk escape details.”

35 (b) A correctional officer employed by the Department of
36 Corrections or any employee of the Department of the Youth
37 Authority having custody of wards or the Inspector General of the
38 Youth and Adult Correctional Agency or any internal affairs
39 investigator under the authority of the Inspector General or any
40 employee of the Department of Corrections designated by the

1 Director of Corrections or any correctional counselor series
2 employee of the Department of Corrections or any medical
3 technical assistant series employee designated by the Director of
4 Corrections or designated by the Director of Corrections and
5 employed by the State Department of Mental Health or employee
6 of the Board of Prison Terms designated by the Secretary of the
7 Youth and Adult Correctional Agency or employee of the
8 Department of the Youth Authority designated by the Director of
9 the Youth Authority or any superintendent, supervisor, or
10 employee having custodial responsibilities in an institution
11 operated by a probation department, or any transportation officer
12 of a probation department.

13 (c) The following persons may carry a firearm while not on
14 duty: a parole officer of the Department of Corrections or the
15 Department of the Youth Authority, a correctional officer or
16 correctional counselor employed by the Department of
17 Corrections or any employee of the Department of the Youth
18 Authority having custody of wards or any employee of the
19 Department of Corrections designated by the Director of
20 Corrections. A parole officer of the Youthful Offender Parole
21 Board may carry a firearm while not on duty only when so
22 authorized by the chairperson of the board and only under the
23 terms and conditions specified by the chairperson. Nothing in this
24 section shall be interpreted to require licensure pursuant to Section
25 12025. The director or chairperson may deny, suspend, or revoke
26 for good cause a person's right to carry a firearm under this
27 subdivision. That person shall, upon request, receive a hearing, as
28 provided for in the negotiated grievance procedure between the
29 exclusive employee representative and the Department of
30 Corrections, the Department of the Youth Authority, or the
31 Youthful Offender Parole Board, to review the director's or the
32 chairperson's decision.

33 (d) Persons permitted to carry firearms pursuant to this section,
34 either on or off duty, shall meet the training requirements of
35 Section 832 and shall qualify with the firearm at least quarterly. It
36 is the responsibility of the individual officer or designee to
37 maintain his or her eligibility to carry concealable firearms off
38 duty. Failure to maintain quarterly qualifications by an officer or
39 designee with any concealable firearms carried off duty shall



1 constitute good cause to suspend or revoke that person's right to
2 carry firearms off duty.

3 (e) The Department of Corrections shall allow reasonable
4 access to its ranges for officers and designees of either department
5 to qualify to carry concealable firearms off duty. The time spent
6 on the range for purposes of meeting the qualification
7 requirements shall be the person's own time during the person's
8 off-duty hours.

9 (f) The Director of Corrections shall promulgate regulations
10 consistent with this section.

11 (g) "High-risk transportation details" and "high-risk escape
12 details" as used in this section shall be determined by the Director
13 of the Youth Authority, or his or her designee. The director, or his
14 or her designee, shall consider at least the following in determining
15 "high-risk transportation details" and "high-risk escape details":
16 protection of the public, protection of officers, flight risk, and
17 violence potential of the wards.

18 (h) "Transportation detail" as used in this section shall include
19 transportation of wards outside the facility, including, but not
20 limited to, court appearances, medical trips, and interfacility
21 transfers.

22 (i) *Probation officers and deputy probation officers shall, in*
23 *addition to complying with the requirements of subdivision (d),*
24 *successfully complete the following:*

25 (1) *A psychological test designed to evaluate the individual's*
26 *psychological stability with regard to carrying a firearm. This test*
27 *may be part of an initial hiring examination.*

28 (2) *Training regarding the employing agency's "use of deadly*
29 *force" policy.*

30 (3) *Eighty hours of duty while carrying a firearm, under direct*
31 *supervision by an officer approved by the department who also*
32 *carries a firearm on duty.*

33 (4) *Any additional training the employing agency deems*
34 *necessary, either prior or subsequent to authorization by the*
35 *employing agency for the probation officer or deputy probation*
36 *officer to carry a firearm.*